

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHANTELL GOSZTYLA,  
Plaintiff,  
v.  
WEI GU, et al.,  
Defendants.

Case No. 1:22-cv-00610-KES-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF'S MOTION TO EXCLUDE DR.  
FEINBERG'S EXPERT OPINION, DENYING  
PLAINTIFF'S MOTION TO DISMISS ACTION,  
AND GRANTING DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

Docs. 57, 64, 70, 71

Plaintiff Chantell Gosztyla is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 1, 2025, the assigned magistrate judge issued findings and recommendations recommending denying plaintiff's motion to exclude Dr. Feinberg's expert opinion and granting defendant Gu's motion for summary judgment. Doc. 70. The findings and recommendations contained notice that any objections thereto were to be filed within thirty (30) days after service. *Id.* at 24.

On April 11, 2025, plaintiff filed a motion to either voluntarily dismiss this action without prejudice or be granted leave to file an amended complaint. Doc. 71. On April 24, 2025, defendant responded. Doc. 73. In support of her motion, plaintiff restates many of her arguments

1 made in her opposition to defendant's motion for summary judgment and argues that defendant  
2 was uncooperative throughout discovery, pointing to defendant's objections made in response to  
3 her interrogatories. *See generally* Doc. 71. Conceding that defendant Gu did not act with  
4 deliberate indifference, plaintiff requests leave to amend her complaint or dismiss this action  
5 without prejudice to forego her deliberate indifference claim and bring a negligence claim against  
6 defendant Gu instead. *Id.* at 8.

7 To the extent plaintiff's motion is construed as objections to the findings and  
8 recommendations, her objections are unpersuasive. As plaintiff concedes, the record before the  
9 Court demonstrates that defendant Gu acted reasonably and promptly with respect to plaintiff's  
10 medical care for her rib injury. As to plaintiff's motion for leave to amend or to dismiss this  
11 action without prejudice, the motion is denied. Both parties have had a full and fair opportunity  
12 to litigate this case on the merits. Moreover, any refiled federal action alleging negligence would  
13 be futile, as the Court would lack subject matter jurisdiction over such a claim.

14 Accordingly:

- 15 1. The findings and recommendations issued on April 1, 2025, Doc. 70, are  
16 ADOPTED in full;
- 17 2. Plaintiff's motion to exclude Dr. Feinberg's expert opinion, Doc. 64 at 46–61, is  
18 DENIED;
- 19 3. Plaintiff's motion to dismiss this action without prejudice or be granted leave to  
20 file an amended complaint, Doc. 71, is DENIED;
- 21 4. Defendant Gu's motion for summary judgment, Doc. 57, is GRANTED; and
- 22 5. The Clerk of Court is directed to enter judgment in favor of defendant Gu and  
23 close this case.

24  
25  
26 IT IS SO ORDERED.

27 Dated: September 15, 2025

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UNITED STATES DISTRICT JUDGE